

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
Northern DIVISION

RECEIVED

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EDITH PIERCE TODD

PLAINTIFF

v.

CASE ACTION NO.: 420-2007-01777

ALABAMA MEDICAID AGENCY

DEFENDANT

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT

2:08-CV-234-MHT

EEOC COMPLAINT

1. Plaintiff resides at MONTGOMERY, ALABAMA
2. Defendant(s)' name(s) ALABAMA MEDICAID AGENCY

Location of principal office(s) of the named defendant(s)  
ALABAMA MEDICAID AGENCY MONTGOMERY, ALABAMA

Nature of defendant(s)' business  
STATE GOVERNMENT

Approximate number of individuals employed by defendant(s) 400 +

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 §2000e-5(g).
4. The acts complained of in this suit concern:
  1. ☐ Failure to employ me.
  2. ☐ Termination of my employment.
  3. ☐ Failure to promote me.
  4. ☒ Other acts as specified below: \_\_\_\_\_

5. Plaintiff is:

- A. ☒ Presently employed by the defendant.  
☐ Not presently employed by the defendant. The dates of employment were \_\_\_\_\_ Employment was terminated because: \_\_\_\_\_

- (1) ☐ Plaintiff was discharged.  
(2) ☐ Plaintiff was laid off.  
(3) ☐ Plaintiff left job voluntarily.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- A. ☒ My race.  
B. ☐ My religion.  
C. ☐ My sex.  
D. ☒ My national origin.  
E. ☐ Other, as specified below: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are) BEVERLY CHURCHWELL (WHITE-DIRECTOR), BRENDA VAUGHN (WHITE ASSOCIATE DIRECTOR), ROBIN RAWLS (WHITE-ASSOCIATE DIRECTOR), MARY FINCH (WHITE CHIEF OF STAFF)

8. The alleged discrimination occurred on or about \_\_\_\_\_.

9. The nature of my complaint, i.e., the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment, is as follows:  
THEY DISCRIMINATED AGAINST ME IN TERMS OF MY HEALTH, RACE AND PHYSICAL WELL BEING. I WENT TO ALL THE APPROPRIATE CHAINS OF COMMAND WITHOUT ANY SUCCESS. I KEEP A DIARY OF THE SITUATIONS THAT HAPPENED WITHIN THE AGENCY AS WELL AS WRITTEN PROVE.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. The alleged illegal activity took place at \_\_\_\_\_  
ALABAMA MEDICAID AGENCY IN MONTGOMERY, ALABAMA  
501 DEXTER AVENUE  
\_\_\_\_\_  
\_\_\_\_\_

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about \_\_\_\_\_. I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. The letter was received by me on 12/29/07.

12. I seek the following relief:

- A. ☐ Recovery of back pay.  
B. ☐ Reinstatement to my former job, and any other relief as may be appropriate, including injunctive orders, damages, costs, and attorneys fees.

Date: 3/28/08

Edith Pierce Todd  
Signature of Plaintiff

EDITH PIERCE TODD  
2002 FESTIVAL LANE  
MONTGOMERY, AL 36117 (334) 272-7665  
Address & Telephone Number of Plaintiff

Wednesday, February 7, 2007

Edith Todd  
2002 Festival Lane  
Montgomery, AL 36117

- 1) Edith Pierce Todd 2002 Festival Lane Montgomery, AL 36117  
334-272-7665
- 2) Alabama Medicaid Agency 501 Dexter Avenue 334-242-5000  
300 employees
- 3) **Title VII** prohibits offensive conduct, such as racial or ethnic slurs, racial "jokes," **derogatory comments, or other verbal or physical conduct based on an individual's race/color.** The conduct has to be unwelcome and offensive, and has to be severe or pervasive. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation. Two sets of rules in the office.  
10/2/06 I notice that my leg was getting bigger. I scheduled a doctor's appointment. Lynette did not have any letters today.  
  
10/3/06 I after seeing the Doctor. He stated to stay off your feet. I sent out an email to the Associate Director's and the Mike Murphy; Director of Program Support. Lynette did not have any letters today.

**Copy of Email**

**From:** Todd, Edith  
**Sent:** Tuesday, October 03, 2006 8:55 AM  
**To:** Murphy, Mike  
**Cc:** Brown, Cathy; Carlos, Theresa; Rawls, Robin; Shufford, Debra; Rawls, Robin; VanCleve, Lynette  
**Subject:** Information

Good morning ladies,  
I am writing you to ask for your help. I have hurt knee somehow so I will not be up to speed for a while. I am requesting that if you need anything done for you from me, please bring it to me. I am trying to stay off my feet as much as possible for I will not make the situation worst. I really appreciate you.

Thank you,

Edith

**Edith Todd**

Assistant to the Director of Program Support  
Alabama Medicaid Agency  
501 Dexter Avenue  
Montgomery, Alabama 36104  
Phone: 334-353-4099  
Fax: 334-242-0557  
[Edith.Todd@medicaid.alabama.gov](mailto:Edith.Todd@medicaid.alabama.gov)

11/9/06 Had a meeting with Brenda, Nancy and Mike. I found out that Nancy and I are changing jobs. They called it a good thing. But I only have questions. I am an ASA II while Nancy is an ASA III. So how this is good for me if I am not getting the money Nancy is getting or better. But I am doing the work of an ASA III. Also, I went from being a Director's Assistant to being a stock clerk for Outreach & Education. This means I have to lift, pack and stock.

If I went to Personnel to inquire about policy and procedures for Alabama

1/16/07 I went to the doctor today. I came back and told Brenda that I would be needing surgery. She asked me when I told her that I am waiting for the nurse to call me back with the other doctor's schedule. Brenda Vaughn gave me a hug and told me that she would be praying for me. Later, she stated that she wanted me to get caught up on the mail outs. I then stated to Brenda that I am doing the mail outs everyday and what did she want from me.

1/17/07 When I came in from work Brenda stated to me that she wanted me to do nothing but the mail outs. I could not believe that after everything I told her yesterday regarding my condition.  
Email waiting for me this morning.

**Copy of Email**

Edith,

I need to show you how to schedule provider visits for the nurses as soon as possible. Therefore, your priority is to package and mail all requested items for the literature through 1-17-07 by the close of business today. Please let me know if you have any questions. Thank you.

***Brenda Vaughn, Associate Director***

***Community Outreach***

***brenda.vaughn@medicaid.alabama.gov***

334-242-5013

334-353-4193 fax

I explained to Brenda Vaughn what the problem was and I see she did not care. Because all she could tell me was that she wanted the mail outs done all day. I know I inform her of my condition the day before.

I went down to talk to Beverly Churchwell but she was not in. I went to the 4<sup>th</sup> floor to talk to Mary Finch. I caught her on the way in and asked to talk to her. She asked me in her office. I explained the situation and my health concerns. I also stated to Mrs. Finch that I was currently doing the task that was asked of me. But Brenda wanted more out of me. I stated I didn't see how she could ask me to do more. I since I was currently doing the task already. Later that afternoon, Beverly Churchwell called me down to her office. Where she got really upset with me regarding going to Mrs. Finch's office regarding this matter with Brenda instead of her. I explain that she was not in and I went to the next in charge. She stated that I didn't wait very long to talk to someone else. I should have waited a little while longer. Mrs. Churchwell also stated that why wasn't she notified of my medical condition. I explain that by telling her that she wasn't here so how could I tell her. She wanted to know why I went to personnel to ask for forms regarding my medical condition without telling my supervisor. I told Mrs. Churchwell that I had to find out what was my choices and that was my concern. Mrs. Churchwell stated to me that the situation between me and Mrs. Vaughn has to stop and I should have gone to Mrs. Finch regarding this issue. Mrs. Churchwell basically asked me if I have been written up (like a threat).

1/25/07

This morning before we had a short staff meeting were Brenda Vaughn told us that she was leaving for another job. She would be telling Beverly Churchwell and Personnel after the meeting. Kelly and Jonita help with the mail outs. It took us all day to do. I had to sit down several times to do this even with a lunch break. We also went around the offices for boxes. After doing the mail outs Brenda Vaughn yelled did you tell them thank you for helping with the mail outs over and over again. I just looked at Brenda like she was crazy because that was stupid and childish. I stated to Brenda that what kind of person you think I am.

1/26/07 Brenda Vaughn and Beverly Churchwell set up a meeting with me. Went to Brenda to ask what the meeting was regarding. She stated it was to go over my R & R. It was a counseling session instead. **Beverly and Brenda stated to me that they could instruct me what to wear to work.** I requested something in writing with no reply. I also stated to them that I haven't been given an Alabama Medicaid Agency Handbook so how could I know the rules and procedures of this Agency. I also stated to them that at the 1<sup>st</sup> meeting Beverly, Brenda and I had in 12/14/07 that sign in sheet been thrown out. But now it is back. I had not been informing of this until that minute so how was I suppose to know that.

Medicaid Agency or ask for a policy and procedure manual I would be put off.

1/31/07 I meet with Georgette Harvest, Jackie Holloway and Mary Finch in Mrs. Harvest office to discuss my concerns in the office and to get a good understanding about the policies and procedures at Medicaid since there is nothing in writing. I asked the dress code in the office. Mrs. Finch instructed me that my supervisor could tell me to dress down and tried to give me an example. I informed Mrs. Finch that I dress professionally every day and I pride myself on my appearance. I asked them regarding supervisor's instruction. I look at her and stated that if you do not know something you are suppose to ask. She then told me you are supposed to ask you supervisor. I then asked what if is about your supervisor. Since you do not have a handbook and I never had one to answer some of the questions that I am asking you. How far could a supervisor go at work? They stated to me as long as it is not illegal you have to do what the supervisor ask you to do. I told them that gives the supervisor a lot of rope. Also, I was told by Mrs. Harvest that if I came back to her office without going through the chain of command to ask any other questions that I would be written up. They asked me to meet with them the following week to ask any other concerns that I might have. As they were stating this I thought to myself that every time I ask a question a new policy and procedure comes over email. Jackie Holloway inform that an electronically device is not

Example of this action:



2/6/07

Today, I came to work as usual. I had an appointment that I had to keep. So, I after the meetings I went and picking up my daughter. I figured taking my daughter home and back to work would leave me with little time at work. So, I brought my daughter to work as I have done in the past with Brenda Vaughn okay. But this time Brenda called me to her office and told me that she was instructed by her supervisor that I had to leave and take time off. My question to her was that there are two steps of rules in the office. Because Tina brought her 4 month of baby to the office the same day and nothing was said to her. I also went downstairs to Mrs. Churchwell to ask was the problem. She said that she could not stop others from bring their children to the office. My question to her was that Tina is in the same office with me and my child is a teenager while Tina's is a newborn.

- 4) Elaine Coley 334-353-8478 work number had about the same thing happen to her. She requested to be transferred out of the unhealthy environment just like I did. She was the secretary for Mike Murphy just like I was. Mike Murphy transferred me to Outreach and Education after knowing the history between Mrs. Vaughn, Mrs. Hasselwander and Mrs. Rawls. Mrs. Coley had a pattern of experience with Alabama Medicaid Agency.

Signature: \_\_\_\_\_



# ATTACHMENT

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Edith P. Todd**  
**2002 Festival Lane**  
**Montgomery, AL 36117**

From: **Birmingham District Office**  
**Ridge Park Place, Suite 2000**  
**1130 - 22<sup>nd</sup> Street, South**  
**Birmingham, AL 35205**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**420 2007 01777****Ron Lys, Investigator****(205) 212-2112**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

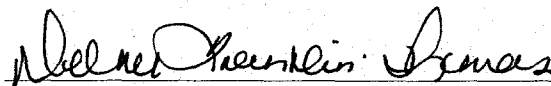
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Delner Franklin-Thomas, District Director

12-21-07

(Date Mailed)

Enclosure(s)

cc: **Bill Butler**  
**General Counsel**  
**Alabama Medicaid Agency**  
**Post Office Box 5624**  
**Montgomery, AL 36103-5624**